

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, SS.

RESOLUTION

BE IT RESOLVED by the Boston Redevelopment Authority
that an ORDER OF TAKING dated **JUL 12 1984** relating to portions
of the PARK PLAZA URBAN RENEWAL AREA, be
executed and made a permanent part of these proceedings, a copy of
which the Secretary shall cause to be recorded in the office of the
Registry of Deeds for the County of Suffolk.

A true copy

CERTIFICATE

I hereby certify that the following names constitute the entire
membership of the Boston Redevelopment Authority:

Robert L. Farrell
Joseph J. Walsh
James K. Flaherty

William A. McDermott, Jr.
Clarence J. Jones

A true copy

ATTEST:

Kare Brianian
Secretary of the Boston Redevelopment Authority

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, SS.

BOSTON REDEVELOPMENT AUTHORITY

ORDER OF TAKING

WHEREAS, the Boston Redevelopment Authority, in accordance with G.L. c. 121B and its predecessor Statute G.L. c. 121, adopted and filed in the Suffolk County Registry of Deeds, Book 9838, page 294, and ORDER OF TAKING dated August 20, 1981, concerning and describing the PARK PLAZA URBAN RENEWAL AREA, all of the findings, determinations and descriptions set forth therein being incorporated herein by reference and made a part hereof; and

WHEREAS, the Boston Redevelopment Authority has deposited with the Mayor of the City of Boston security to his satisfaction for the payment of such damages as may be awarded in accordance with law to the owner or owners of said area, as required by G.L. c. 79, s. 40.

NOW, THEREFORE, BE IT ORDERED that the Boston Redevelopment Authority, acting under the provisions of said c. 121B and all other authority thereunto enabling and pursuant to the applicable provisions of said c. 79, and of any and every power and authority to it, granted or implied, hereby takes for itself by eminent domain for the purposes hereinbefore set forth or referred to a temporary easement not to exceed five (5) years from July 12, 1984, in and through the area located in the City of Boston as hereinafter described in ANNEX A for the purposes of constructing a sidewalk, lighting and pavement, reserving to the owner the fees therein.

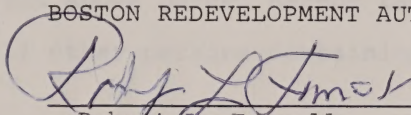
AND FURTHER ORDERED that in accordance with the provisions of the said c. 79, as amended, awards are made by the Boston Redevelopment Authority for damages sustained by the owner or owners and all other persons, including all mortgagees of record, having any and all interest in

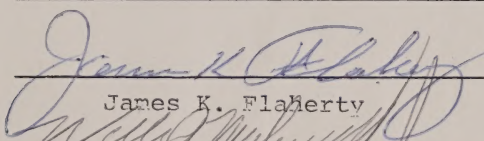
each parcel described in ANNEX A and entitled to any damages by reason of the taking hereby made. The Boston Redevelopment Authority reserves the right to amend the award at any time prior to the payment thereof by reason of a change in ownership or value of said property before the right to damages therefor has become vested or for other good cause shown. The awards hereby made are set forth in ANNEX B, which Annex B is not to be recorded in the Registry of Deeds with the Order of Taking.

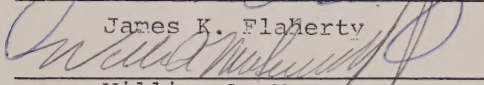
AND FURTHER ORDERED that the Secretary of the Boston Redevelopment Authority cause this instrument of taking to be recorded in the office of the Suffolk County Registry of Deeds.

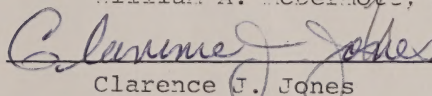
IN WITNESS WHEREOF, we, the following members of the Boston Redevelopment Authority have caused the corporate seal of the Authority to be hereto affixed and these present to be signed in the name and behalf of the Boston Redevelopment Authority.

DATED: JUL 12 1984 BOSTON REDEVELOPMENT AUTHORITY

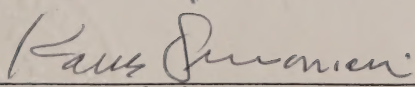

Robert L. Farrell


James K. Flaherty

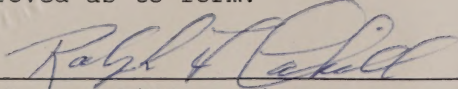

William A. McDermott, Jr.


Clarence J. Jones

ATTEST:


Secretary of the Boston Redevelopment Authority

Approved as to form:


Ralph F. Cahill, Assistant General Counsel

ANNEX A

BOSTON REDEVELOPMENT AUTHORITY

PARK PLAZA URBAN RENEWAL AREA

TAKING AREA DESCRIPTION

An easement for the purpose of repairing and reconstructing a sidewalk for a period not to exceed five (5) years from July 12, 1984, and expiring earlier upon certification that the work contemplated by this taking has been completed, in that parcel of land known as a sidewalk easement, extending along the property line of the premises known as 33 to 39 Stuart Street, Boston, Massachusetts, approximately forty-six (46) feet and one and one-third inches (46' 1 1/3") and extending therefrom the width of approximately fourteen (14) feet therefrom. Containing approximately 645 1/2 square feet.

The owner of the above parcel hereby taken is the City of Boston and any and all other persons containing any and all rights therein.

ANNEX B

BOSTON REDEVELOPMENT AUTHORITY

PARK PLAZA URBAN RENEWAL AREA

AWARD OF DAMAGES

No awards are made with this Order of Taking.

0 20 40 60 80 100

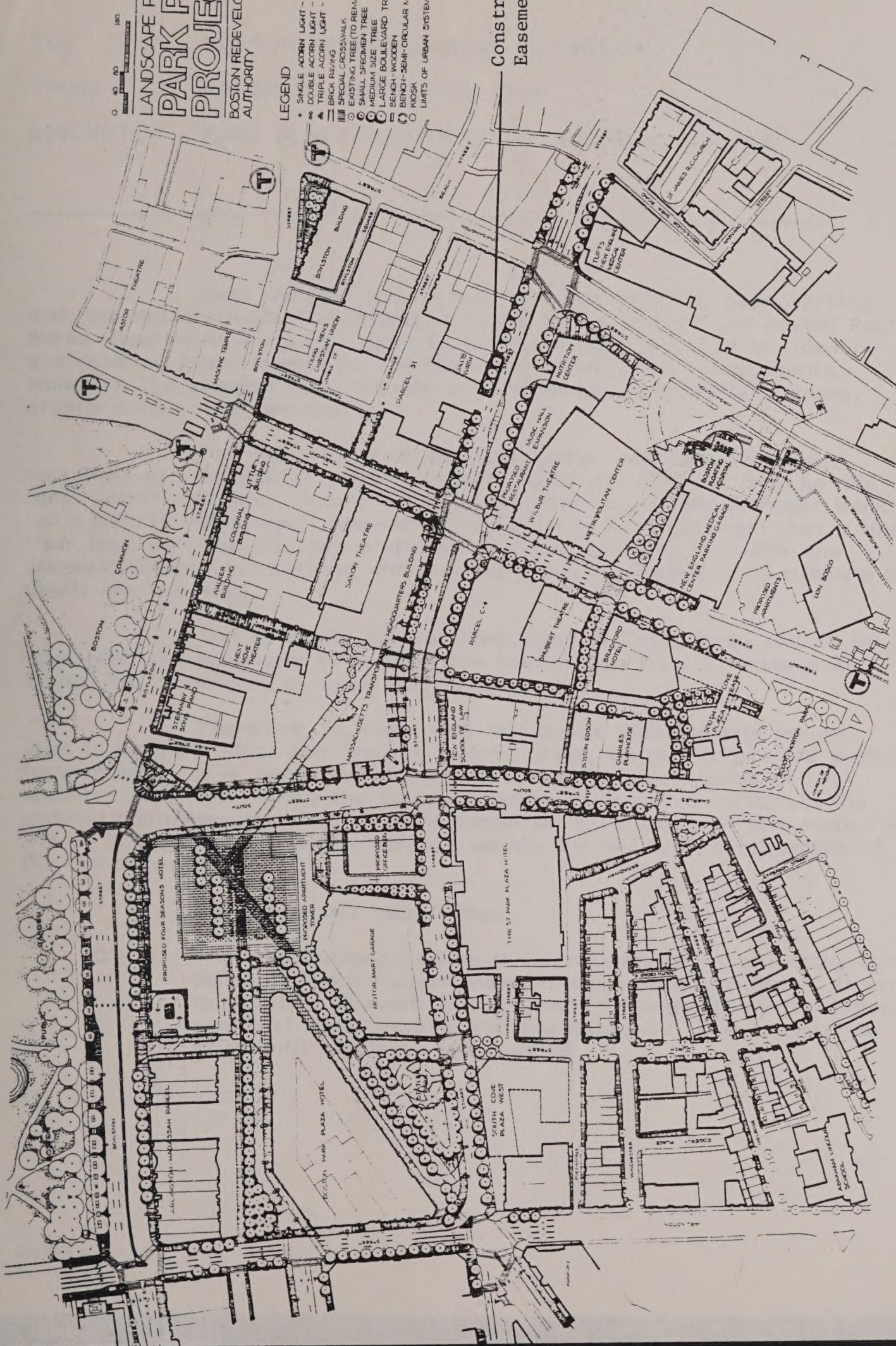
LANDSCAPE PLAN PARK PLAZA PROJECT

BOSTON REDEVELOPMENT
AUTHORITY
1981

LEGEND

- SINGLE ACORN LIGHT - 16 FEET
- DOUBLE ACORN LIGHT - 16 FEET
- TRIPLE ACORN LIGHT - 16 FEET
- BRICK PAVING
- SPECIAL CROSSWALK
- EXISTING TREE (TO REMAIN)
- SMALL SPECIMEN TREE
- MEDIUM SIZE TREE
- LARGE BOULEVARD TREE
- BENCH - WOODEN
- BENCH - SEMI-CIRCULAR METAL
- KIOSK
- LIMITS OF URBAN SYSTEMS

Construction
Easement



MEMORANDUM

JULY 12, 1984

TO: BOSTON REDEVELOPMENT AUTHORITY

FROM: ROBERT J. RYAN, DIRECTOR

SUBJECT: PARK PLAZA CONSTRUCTION EASEMENT TAKING

Over the past year a half, the Authority has been working with the Massachusetts Department of Public Works, the City of Boston Public Works Department and other agencies to design over \$3 million in sidewalk and roadway improvements for the Park Plaza area. The improvements, shown on the attached map, include brick sidewalks, ornamental lighting, granite curbs, and new paving.

The 100% review of the construction documents has been completed and the Commonwealth is preparing to advertise for bids for the construction contract. Before the Massachusetts Department of Public Works can advertise the project, however, the Authority must document that it has clear legal authority for any contractor to enter onto any sidewalks and areaways in order to perform whatever work may be necessary to complete the public improvements.

The Authority has received Right of Entry forms and all other clearances and easements to build in the project area from all areaway owners except for the owners of Jacob Wirth's restaurant.

Therefore, in order that this public improvements project, vital to the Park Plaza and Theatre District areas, be able to proceed without further delay, it is recommended that the Authority take a construction easement which will enable the Commonwealth's contractor to construct the planned improvements in front of the parcel on which Jacob Wirth's restaurant sits at 31 Stuart Street and which will satisfy the technical requirements of the Commonwealth.

An appropriate vote follows:

VOTED: That the Authority adopt an appropriate Order of Taking for a temporary construction easement on a portion of Stuart Street to facilitate sidewalk and roadway improvements by the Commonwealth of Massachusetts and the Authority, said easement to exist until said work is completed.

